

DATE

Mark David Freneaux
11951 Sullivan Road
Central, Louisiana 70818

Re: **Louisiana Board of Ethics**
Docket No. 2021-600

Dear Mr. Freneaux,

The Louisiana Board of Ethics, at its meeting on September 3, 2021, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit you from voting for the City of Central to purchase land for a new city hall.

FACTS PROVIDED

You are an elected member of the Central City Council. The City of Central is exploring options for the purchase of property on which to build a new city hall. You currently own five acres of land fronting Sullivan Road in Central. Two of the potential sites for the new city hall are properties along Hooper Road that neighbor your property. You do not have any financial interest or ownership in either of the potential properties. You also stated that none of your family members have any interest in the properties. Should the City of Central select either of the properties, the transaction would not require a sale of any portion of your property and would not require you to grant any servitudes over your property to the City of Central. You have no intention to sale or develop the property at this time.

You ask whether you would be prohibited from participating in the vote to purchase either property.

LAW

La. R.S. 42:112A provides that no public servant, except as provided in R.S. 42:1120, shall participate in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

La. R.S. 42:1102(21) defines "substantial economic interest" to mean an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons.

La. R.S. 42:1120 provides the following recusal provisions:

If any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. An elected official who recuses himself from voting pursuant to this Section shall not be prohibited from participating in discussion and debate concerning the matter, provided that he makes the disclosure of his conflict or potential conflict a part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is the subject of discussion or debate.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code would not prohibit you from voting on the purchase of the potential properties, since you do not have a substantial economic interest in either property. However, the Board cautioned that, in the event a matter comes before the Council which would affect your property and, thus, present a violation of Section 1112A, you would be required to recuse yourself from voting on the matter pursuant to Section 1120.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800)842-6630 or (225)219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board